

**California Regional Water Quality Control Board
North Coast Region**

Notice of Public Hearing

Order No. R1-2020-0001

**Draft Waste Discharge Requirements
for
Discharges Related to Green Diamond Resource Company's
Forest Management Activities Conducted Within the
Upper Elk River Watershed
Humboldt County**

NOTICE IS HEREBY GIVEN that the North Coast Regional Water Quality Control Board (Regional Water Board) will conduct a public hearing to consider adoption of the above-referenced draft Order on February 6 or 7, 2020, at 8:30 a.m., at the Regional Water Board's office in Sonoma County, or as announced in the Regional Water Board's agenda and on its website: <https://www.waterboards.ca.gov/northcoast/>. The purpose of draft Order is to update waste discharge requirements for Green Diamond Resource Company's (GDRCo) forest management activities conducted in the Upper Elk River Watershed to be consistent with applicable requirements of the Action Plan for the Upper Elk River Sediment Total Maximum Daily Load (TMDL Action Plan). The draft Order updates those portions of Order R1-2012-0087, *Waste Discharge Requirements for Discharges Related to Green Diamond Resource Company's Forest Management Activities Conducted Within the Area Covered By its Aquatic Habitat Conservation Plan in the North Coast Region* (GDRCo Forest Management WDR), specific to forest management activities conducted by GDRCo on its timberlands in the Upper Elk River watershed. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the draft Order, or take other action.

Background: In June 2010, the Regional Water Board adopted ownership-wide Road Management Waste Discharge Requirements (WDRs; Order No. R1-2010-0044) and in October 2012 the Forest Management WDRs (Order R1-2012-0087) for associated activities on GDRCo's property. The Road Management WDR covers systematic road upgrading and decommissioning, as well as maintenance and monitoring of the road system associated with the Road Management Plan from GDRCo's Aquatic Habitat Conservation Plan (AHCP). All activities carried out under the Road Management Plan comply with techniques and restrictions designed to prevent and minimize impacts to water quality, as detailed in the AHCP and the Master Agreement for Timber Operations. The Forest Management WDR covers activities associated with timber harvesting, including timber product harvest, silvicultural regimes and methods, timber stand regeneration and improvement, road construction and reconstruction, minor forest product harvest, and in-stream and riparian restoration.

Together the two WDRs provide complete, programmatic, ownership-wide WDR coverage to GDRCo's commercial timberlands within the area covered by its Aquatic

Habitat Conservation Plan (AHCP) and Master Agreement for Timber Operations (MATO), including the Upper Elk River watershed.

Finding 22 of the GDRCo Forest Management WDR states, “At such time as the Total Maximum Daily Load (TMDL) is adopted, the provisions of the Elk River component of this Order and/or the South Fork Elk River Management Plan will be reviewed and adjusted, as appropriate, to ensure compliance with the TMDL.” On May 12, 2016, the Regional Water Board approved the TMDL Action Plan for the Upper Elk River Watersheds. On April 4, 2018, the United States Environmental Protection Agency approved the Action Plan for the Upper Elk River Sediment TMDL, the final step in the process necessary for the Action Plan to be amended into the Water Quality Control Plan for the North Coast Region (Basin Plan), following approvals by the State Water Resources Control Board on August 1, 2017, and the Office of Administrative Law on March 8, 2018.

The Draft Order would update those portions of the GDRCo Forest Management WDR that apply to certain activities conducted by GDRCo on its timberlands in the Upper Elk River Watershed. The draft Order has been developed to be consistent with all of the hillslope indicators and numeric targets contained in the 2016 Action Plan for the Upper Elk River Sediment Total Maximum Daily Load (TMDL Action Plan) and ensure that all anthropogenic discharges of sediment are eliminated to the extent feasible and, if not feasibly eliminated, minimized, as soon as feasible, but no later than 2031.

Project Description: In recognition of the underlying geology and the erodible nature of the soils within significant areas of the South Fork Elk River Watershed and acknowledging that GDRCo planned to harvest timber and maintain road systems, it was deemed necessary and appropriate that watershed specific measures be instituted to ensure the continued protection and enhancement of water quality and aquatic habitat. GDRCo initially developed the South Fork Elk River Management Plan (SFERMP) in 2006 (and subsequently revised it in 2012) to address watershed specific operating procedures in the following five key categories: A) Riparian Prescriptions, B) Geological Prescriptions, C) Harvesting, Yarding and Hauling Prescriptions, D) Road Management and E) Seasonal Restrictions.

On August 23, 2019, Green Diamond Resource Company (GDRCo) submitted the Elk River Management Plan (ERMP), which revised the SFERMP to address TMDL requirements and which would apply to all of GDRCo’s timberlands in the Upper Elk River watershed. The revisions primarily address expanded Riparian Management Zone (RMZ) protection measures, modified annual harvest limits, and yarding prescriptions and the plan now applies to all of GDRCo’s timberlands in the Elk River watershed.

Regional Water Board staff found that the ERMP is expected to implement most of the TMDL Hillslope Water Quality Indicators but will not be fully adequate to implement Specific Upper Elk River Watershed Indicators for riparian zones. As such, in addition to establishing management practices described in the ERMP as enforceable provisions, the Order includes the following additional requirements to fully implement the TMDL hillslope targets for riparian zones:

- GDRCo may not reduce post-harvest overstory canopy within 300 feet of Class I and II watercourses below 50%; and
- GDRCo may not reduce post-harvest overstory canopy within 150 feet of Class III watercourses below 50%.

Draft Order Available for Review and Comment

Comments must be submitted by November 1, 2019 to James.Burke@waterboards.ca.gov, or at the following address:

North Coast Regional Water Quality Control Board
Atten: Jim Burke
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

Document Availability

Information on the Regional Water Board's draft Order can be found at: https://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/ or may be viewed during public hours in person at the Regional Water Board's office listed above.

Persons wishing to receive additional notices related to the draft Order must subscribe to the respective email list, under Resources, Email Subscription on the left side of the Regional Water Board's main web page at <https://www.waterboards.ca.gov/northcoast/>.

Public Hearing Procedures

The procedures governing the Regional Water Board's meetings may be found at California Code of Regulations, title 23, section 647 et seq. and are available upon request. The Discharger and interested persons must submit to the Regional Water Board office written copies of all legal argument, technical reports, testimony, and other evidentiary material concerning this issue by the deadline listed above.

Written material received after November 1, 2019 will not be accepted except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice any party or the Regional Water Board. The Chair may choose to modify this rule upon a showing of severe hardship (Cal. Code Regs., tit. 23, §§ 648.1 & 648.4).

During the pendency of this proceeding, there shall be no ex parte communications between Regional Water Board members and participants. This includes communications on substantive matters or controversial procedural matters. (Gov. Code, §§ 11430.10-11430.80.)

The time limits for oral testimony or comments at the public hearing will be set by the Regional Water Board Chair and are subject to change. All speakers are expected to honor these time limits. A timer may be used, and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meeting should contact Patti Corsie at 707-576-2220 at least five days prior to the scheduled meeting. The meeting location is accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Staff Contact

Questions regarding the workshop or the draft Order should be directed to Jim Burke, by phone at 707-576-2289 or email at James.Burke@waterboards.ca.gov.